

REMARKS

Applicants reply to the Final Office Action mailed on January 19, 2007 within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1, 2, 4, 5, 10-12, 22-24, 27, 48, and 49 (claim 49 is now correctly labeled claim 52) were pending in the application and the Examiner rejects claims 1, 2, 4, 5, 10-12, 22-24, 27, 48, and 49. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Claim Objections

The Examiner objects claims 1, 2, 4, 5, 10-12, 22-24, 27, 48, and 49 due to informalities. Specifically, the Examiner asserts that Applicants' recital of "said unaffiliated website" in claim 1 poses an antecedent basis problem. Applicants amend claim 1 to correct the antecedent problem relating to "an unaffiliated website" (emphasis added).

The Examiner objects to claim 49, noting that claims 49-51 are listed as canceled. Applicants amend claim "49" to properly reference the claim as claim "52."

Rejection under 35 U.S.C. § 112

The Examiner rejects claim "49" under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner notes that claim "49" (now 52), contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner asserts that the specification "does not disclose the different operation of adding to the shopping cart the selected product when a price for the selected product reaches a predetermined level" (page 3, paragraph 1). Applicants respectfully disagree.

Paragraphs 58-59 of the originally filed specification, for example, disclose various embodiments where "triggers" can be set to modify the universal shopping cart. The specification further inherently discloses that one such trigger is a price change. Those of ordinary skill would appreciate that modifying the content of a shopping cart would include, for example, adding items, removing items, replacing items, modifying item attributes, and the like. However, in the interest of expedited prosecution, Applicants amend claim 52 to remove the rejected claim feature.

Rejection under 35 U.S.C. § 103(a)

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

The Examiner rejects claims 1, 10, 12, 22, 23, and 48 under 35 U.S.C. § 103(e) as being anticipated by Musgrove et al., U.S. Patent No. 6,725,222 ("Musgrove") in view of Daly et al., U.S. Patent No. 5,878,141 ("Daly"). Applicants respectfully traverse the rejection.

Musgrove discloses a method for storing product information from a plurality of merchants within a centralized shopping server, providing product information from multiple merchants to users, and consummating order transactions relating to one or more user selected products. Musgrove further discloses known methods for collecting product information from merchant servers using automated web crawlers and bots. Web crawlers and bots are known to those of ordinary skill and are disclosed by Musgrove to enable the invention by providing a means for collecting product information from merchant web sites. Musgrove is limited to searching and displaying product data obtained from a plurality of merchant web sites and facilitating purchase transactions.

Musgrove discloses that, when a shopper selects products from a plurality of vendors for purchase, the shopping server presents the user with a pre-filled purchase form. The form is filled from product and customer information which is maintained in a database. The user is given the opportunity to make changes to information in the form before submitting it to a shopping server. The shopping server then uses the form information to fill in purchase forms on each merchant server. Because it is likely that the purchasing process is facilitated in different ways among varying merchants, **the shopping server maintains buy procedures corresponding to each merchant.** For example, if the customer selects a product for purchase from Merchant A, then the shopping server retrieves a corresponding script that defines the specific buy procedure for Merchant A. Musgrove discloses that, "[b]uy procedures or merchant server 40 are integrated into buy processes of shopping server 20 to allow buy process 56 to automatically navigate merchant server 40" (column 7, lines 36-39). Thus, it is evident that the merchant server must be affiliated with the shopping server in order for the shopping server to maintain the instructions necessary to navigate the merchant server 40 during a buy process. **At a minimum, the shopping server must be preconfigured to conduct a buy process at each of the merchant servers for which shopping**

server offers products for sale. There is no disclosure in Musgrove that would enable a buy process to be executed on an unaffiliated or unfamiliar merchant website.

Daly discloses a purchase mediation system that matches accepted merchant payment methods with a purchaser's available payment methods. The Daly system analyzes information pertaining to purchaser available payment methods against information pertaining to accepted payment methods to determine an overlap of payment methods. In this manner, only purchase methods that are both accepted by the merchant and available to the purchaser are displayed to a purchaser in an online shopping environment. Because Daly is directed toward providing an online shopping environment with affiliated merchants, Daly is not concerned with the problem of automatically navigating a merchant website to facilitate a purchase transaction.

In response to Applicants' previously filed amendments and arguments, the Examiner asserts that Musgrove does in fact disclose injecting a product order at an unaffiliated website. In support of this assertion, the Examiner references Musgrove, which recites "[b]ack end test scripts or the like can be used to determine the particular buy procedure steps of merchant server" (column 7, lines 39-41). Applicants respectfully disagree.

One of ordinary skill in the art would appreciate that the incorporation of a test scripts to determine a buy procedure is not indicative of a procedure that would be performed against an unaffiliated website. **Most commonly, test scripts are created and executed against known software systems to determine the precision and reliability of various software procedures under a number of scenarios.** For example, a user interface may include any number of buttons, dropdown menus, check boxes, etc., which each, directly or indirectly, invoke underlying calculations, data retrieval, data manipulation, and the like. The user interface may appear to function properly when tested by the software engineer only because he is intimately familiar with how the interface should be used. However, an event as minute as double clicking rather than single clicking a button could cause a significant program error. Thus, test scripts are written to automatically test the interface under a large number of conditions.

Applicants assert that, to one of ordinary skill, Musgrove's disclosure of "test scripts" to determine buy procedure steps would demonstrate that the Musgrove system is not only familiar with the merchant's systems, but would likely need to obtain permissions from the merchant in order to run the test scripts against the merchants systems.

To further support the assertion that Musgrove discloses injecting a product order at an unaffiliated website, the Examiner references column 5, lines 14-29 of Musgrove. Specifically, the

Examiner asserts that because “Musgrove discloses culling product information from merchant servers by using bots,” there is no implied requirement of an affiliation relationship (page 10, paragraph 1). **However, Applicants note that the cited Musgrove disclosure relates to the retrieval of information from a web site, rather than the submission of information into a web site.** Practitioners would appreciate that the Applicants’ claim element, which Musgrove is cited against, relates to the submission of data to a merchant’s web site, which is a significantly more complicated than the mere culling of data from a web page. Musgrove’s disclosure of culling data provides no evidence as to whether the merchant web site is affiliated or unaffiliated, as the culling process would be the similar regardless. **However, the processes used to inject data into a merchant web page vary significantly between affiliated and unaffiliated web sites, and Musgrove does not disclose a technical mechanism for doing so within the context of an unaffiliated web site.** As such, neither Musgrove, Daly, nor any combination thereof, disclose or suggest at least, “injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to an unaffiliated website according to pattern matching,” as recited by amended independent claim 1.

Claims 10, 12, 22, 23, and 48 variously depend from independent claim 1; therefore, Applicants assert that dependent claims 10, 12, 22, 23, and 48 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claims 2 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in view of Bezos et al., U.S. Patent No. 6,029,141 (“Bezos”). Applicants respectfully traverse this rejection.

Dependent claims 2 and 24 depend from independent claim 1. As noted above, Musgrove and Daly do not teach or suggest each feature of amended independent claim 1 and Bezos does not teach or suggest the missing features. Bezos generally discloses a referral system that enables individuals and businesses to receive commissions based on redirecting Internet traffic to a merchant web site, however, Bezos does not teach or suggest “injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to an unaffiliated website according to pattern matching,” as recited by amended independent claim 1. Thus,

dependent claims 2 and 24 are differentiated from the cited references for at least the same reasons as above, as well as in view of their own respective features.

The Examiner rejects claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in view of Walker et al., U.S. Patent No. 5,862,223 ("Walker"). Applicants respectfully traverse the rejection of pending claims 4 and 5.

Dependent claims 4 and 5 variously depend from independent claim 1. As noted above, Musgrove and Daly do not teach or suggest each feature of amended independent claim 1 and Walker does not teach or suggest the missing features. Walker generally discloses a system for providing answers to a wide variety of questions in an Internet and/or voice telephony environment, however, Walker does not teach or suggest "injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to an unaffiliated website according to pattern matching," as recited by amended independent claim 1. Thus, dependent claims 4 and 5 are differentiated from the cited references for at least the same reasons as above, as well as in view of their own respective features.

The Examiner rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in further view of official notice. Applicants respectfully traverse the rejection.

Specifically, the Examiner asserts that, "Musgrove discloses a plurality of shoppers with their distinct accounts (e.g., column 6, lines 32-46), and official notice is taken that it is well known to search all relevant pages of relevant websites, and/or to obtain copies, while Musgrove discloses culling product information from merchant sites by Web crawlers or other means" (page 8, paragraph 1).

Applicants note that claim 11 relates to obtaining product ordering services (i.e., the steps required to order a product) and not to collecting product information. Those of ordinary skill would appreciate that "screen scraping" is commonly used to programmatically collect information from web pages. However, it would be further appreciated that the process of collecting information from web pages is quite different than the sophisticated process required to programmatically navigate a website and to accurately fill form fields with the proper information. As such, neither Musgrove, Daly, the Examiner's official notice, nor any combination thereof, disclose or suggest at least, "injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to an unaffiliated website according to pattern

matching,” as recited by amended independent claim 1 from which claim 11 variously depends. Moreover, Applicants assert that dependent claim 11 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in further view of official notice. Applicants respectfully traverse the rejection.

The Examiner asserts that, “Musgrove does not disclose that the consumer is an electronic agent of a human consumer, but such electronic agents (known as ‘shopping bots’ or by similar terms) are well known” (page 8, paragraph 2). Applicants respectfully disagree.

While Applicants agree that “shopping bots” are well known, they are limited in what they can perform. A shopping bot is used to scour the Internet for the best prices for a defined product or service. For example, an end user may enter a product description, including a manufacturer and model, and the shopping bot will return one or more URLs for online merchants offering the defined product. This saves the shopper time in that he is not forced to view multiple merchant websites in search of the lowest price. However, shopping bots do not facilitate a purchase transaction on behalf of the end user. As such, neither Musgrove, Daly, the Examiner’s official notice, nor any combination thereof, disclose or suggest at least, “injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to said unaffiliated website according to pattern matching,” as recited by amended independent claim 1 from which claim 27 depends. Moreover, Applicants assert that dependent claim 27 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claim “49” (now 52) under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in further view of the anonymous article, “CDW Computer centers: CDW Computer Centers Takes Online Shopping to the Next Level” (CDW). Applicants respectfully traverse the rejection.

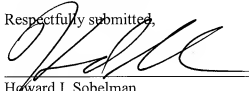
CDW generally discloses a shopping system that allows buyers to configure alerts. Specifically, the CDW system allows customers to set defined criteria that would determine when they are alerted. Such criteria include, for example, in-stock availability, specified price range, a list of products, etc. Thus, when a product is reduced to a defined price, for example, the customer is alerted via email and/or web site.

Applicants note that the CDW system merely alerts a customer when a rule is triggered. It is then up to the customer to take the necessary steps to secure the purchase. In other words, the CDW

system does not automatically remove an item from a shopping cart, for example. As such, CDW does not disclose or suggest at least, "automatically removing from said universal shopping cart said selected product when a price for said selected product reaches a predetermined level," as disclosed by dependent claim 52. Moreover, Applicants assert that dependent claim 52 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of its own respective features.

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

Respectfully submitted,



Howard I. Sobelman
Reg. No. 39,038

Dated: March 19, 2007

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com